

24362. Adulteration of tomato paste. U. S. v. West Coast Packing Corporation. Plea of nolo contendere. Fine, \$30. (F. & D. no. 33811. Sample nos. 67251-A, 67814-A.)

This case was based on an interstate shipment of tomato paste that contained excessive mold.

On February 7, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the West Coast Packing Corporation, Long Beach, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 23, 1933, from the State of California into the State of New York of a quantity of tomato paste which was adulterated. The article was labeled in part: "Marca Seemano Brand Salsa Di Pomodoro Tomato Paste * * * Distributors—Seeman Bros. Inc. New York."

The article was alleged to be adulterated in that it consisted in part of a decomposed vegetable substance.

On March 4, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of \$30.

M. L. WILSON, *Acting Secretary of Agriculture.*

24363. Adulteration and misbranding of potatoes. U. S. v. Shattuck Irrigation Co. Plea of guilty. Fine, \$30. (F. & D. no. 33841. Sample no. 65061-A.)

This case was based on an interstate shipment of potatoes which were of lower grade than that designated on the label.

On October 31, 1934, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Shattuck Irrigation Co., a corporation, Idaho Falls, Idaho, alleging shipment by said company in violation of the Food and Drugs Act, on or about March 22, 1934, from the State of Idaho into the State of Illinois of a quantity of potatoes which were adulterated and misbranded. The article was labeled in part: "Selected U. S. No. 1 Idaho Russett Potatoes Shattuck Brand Idaho Falls."

The article was alleged to be adulterated in that potatoes of a lower grade than U. S. No. 1 had been substituted for U. S. No. 1 grade potatoes, which the article purported to be.

Misbranding was alleged for the reason that the statement, "U. S. No. 1 * * * Potatoes", borne on the sacks, was false and misleading and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the article was not U. S. No. 1 grade potatoes, but was potatoes of a lower grade.

On March 13, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$30.

M. L. WILSON, *Acting Secretary of Agriculture.*

24364. Misbranding of olive oil. U. S. v. Strohmeier & Arpe Co. Plea of guilty. Fine, \$200. (F. & D. no. 33844. Sample no. 51672-A.)

This case was based on an interstate shipment of olive oil which was short volume.

On March 21, 1935, an information was filed by a special assistant of the Attorney General, acting upon a report by the Secretary of Agriculture and under authority conferred by the Attorney General, in the United States district court for the Southern District of New York, against the Strohmeier & Arpe Co., a corporation, New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about February 27, 1934, and March 12, 1934, from the State of New York into the State of Pennsylvania of quantities of olive oil that was misbranded. The article was labeled in part: "1 Gallon Anita Brand Pure Olive Oil Imported Product United Pure Food Co. N. Y. Importers & Packers."

The article was alleged to be misbranded in that the statement "1 Gallon", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the cans did not contain 1 gallon of the article, but did contain in each of a large proportion thereof less than 1 gallon. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the

contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On March 29, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

24365. Adulteration and misbranding of tomato paste. U. S. v. Italian Food Products Co., Inc. Plea of nolo contendere. Fine, \$90. (F. & D. no. 33852. Sample no. 69759-A.)

This case involved quantities of a product sold as tomato paste. Examination showed that it contained insufficient tomato solids to be described as tomato paste, and that it contained excessive mold.

On February 7, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Italian Food Products Co., Inc., Long Beach, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 4, 1933, and January 31, 1934, from the State of California into the State of New York of quantities of tomato paste which was adulterated and misbranded. The article was labeled in part: "Campania Brand * * * Concentrated Tomato Paste Salsa di Pomodoro Concentrata Nel Vuoto Qualita Finissima Packed By Italian Food Products Co. Inc. Long Beach, California."

The article was alleged to be adulterated in that a substance deficient in tomato solids had been substituted for concentrated tomato paste, which the article purported to be, and in that it consisted in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statements "Concentrated Tomato Paste", "Concentrata Nel Vuoto", and "Qualita Finissima", borne on the labels, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, in that the said statements represented that the article was concentrated tomato paste of fine quality; whereas it was not, but was a product deficient in tomato solids consisting in part of a decomposed vegetable substance. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, concentrated tomato paste.

On March 4, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of \$90.

M. L. WILSON, *Acting Secretary of Agriculture.*

24366. Adulteration and misbranding of chocolate-covered cherries and cordial cherries. U. S. v. the Sphinx Chocolate Corporation. Plea of guilty. Fine, \$300. (F. & D. no. 33853. Sample nos. 51628-A, 51679-A, 66232-A.)

This case was based on an interstate shipment of chocolate-covered grapes which were labeled to convey the impression that they were cherries, and which were artificially colored and flavored in imitation of maraschino cherries. The case also covered a shipment of cordial cherries which contained artificial color, artificial flavor, and benzoate of soda.

On December 10, 1934, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sphinx Chocolate Corporation, Brooklyn, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 5, 1933, from the State of New York into the State of New Jersey of a quantity of cordial cherries which were adulterated and misbranded, and on or about November 14, 1933; and January 8, 1934, from the State of New York into the States of Connecticut and New Jersey, respectively, of quantities of alleged chocolate-covered cherries which were adulterated and misbranded. The cordial cherries were labeled: "Sphinx Cordial Cherries Net Weight One Pound", together with designs showing clusters of red, ripe cherries. A portion of the alleged chocolate-covered cherries were labeled: "Cherry Blossom Chocolate Covered * * * Manufactured By Sphinx Chocolate Corporation Brooklyn, N. Y. [on end and side of box in smaller size type "Artificially Colored And Flavored"]", together with designs of clusters of large, red, ripe cherries. The remainder of the alleged chocolate-covered cherries were labeled: "Cherry Blossom Chocolate Covered * * *